



City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: February 22, 2005
TO: City Council
VIA: Dennis R. Halloway, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of January 11 and 25, 2005

RECOMMENDATION

It is recommended that the City Council approve the Minutes of January 11 and 25, 2005.

City of Loma Linda

City Council Minutes

Regular Meeting of January 11, 2005

A regular meeting of the City Council was called to order by Mayor Hansberger at 7:00 p.m., Tuesday, January 11, 2005 in the Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Karen Gaio Hansberger Mayor pro tempore Petersen Robert Christman Stan Brauer Robert Ziprick
Councilman Absent:	None
Others Present:	City Manager Dennis Halloway City Attorney Richard E. Holdaway

Councilman Christman led the Invocation and Pledge of Allegiance. No items were added or deleted.

Introduction of new Fire Chief

City Manager Halloway introduced Michael Norris, who assumed duties as Fire Chief on January 10, noting that he formerly served as Chief of the Idyllwild Fire Prevention District, was a Certified Paramedic and RN.

Oral Reports/Public Participation

Mayor Hansberger expressed appreciation to the Public Works Department for their efforts during the recent severe storms and commended them for their work.

Otto Chavez, 25400 Durango Loop, asked about the status of scheduling a meeting with the homeowners within the Parkside Homes Development who utilized the First Time Homebuyers Program offered by the Redevelopment Agency. It was noted that due to the holidays and individual schedules, scheduling of the meeting was postponed until this month, and the homeowners would be notified of the date and time.

Scheduled and Related Items

CC-2005-001 – Presentation to Paid Call Firefighter Kevin Bender

Division Chief/Fire Marshal Rolland Crawford addressed the City Council, stating that Kevin Bender was a member of the Department for 20 years. He then presented Firefighter Bender with his badge in a presentation case and expressed appreciation for his services to the City and community and extended best wishes for his future. Mayor Hansberger presented Firefighter Bender with a plaque recognizing 20 years of dedicated service.

Mr. Bender acknowledged the Council Members and expressed appreciation.

CC-2005-002

CRA-2005-001 – Joint Public Hearing of the City Council and Redevelopment Agency relating to an Amendment to the Redevelopment Plan to expand the Agency's eminent domain authority to residential uses

- a. Agency Board – CRA Bill #R-2005-01 – Certifying proposed Amendment is exempt from CEQA
- b. City Council – Council Bill #R-2005-01 – Certifying proposed Amendment is exempt from CEQA
- c. Council Bill #R-2005-02 – Overruling written and verbal objections and adopting responses to written objections
- d. City Council – Considers Report of Agency, Notice of Exemption, Report and Recommendations of the Planning Commission, Evidence for and against the proposed Amendment, Responds to all written and oral objections to the proposed Amendment, and consents to including all in the record
- e. Council Bill #O-2005-01 (First Reading/Set Second Reading for January 25) Adopting the proposed Amendment to the Redevelopment Plan

The Redevelopment Agency Board reconvened at 7:14 p.m. with all members present.

Mayor Hansberger opened the public hearing and stated that the law under which the City Council and Redevelopment Agency were acting was the Community Redevelopment Law of the State of California which required that certain procedures be followed, both formal and informal, in the conduct of the public hearing; that the Mayor presides over the public hearing; that the documents to be considered were the proposed ordinance

approving and adopting Amendment No. 1 to the Redevelopment Plan and the Agency Report to the City Council relating to the Amendment, which included the following:

- 1) The report and recommendation of the Planning Commission.
- 2) A summary of meetings and information presented to residents, community organizations and taxing agencies.
- 3) The Notice of Exemption.
- 4) The report of the County Fiscal Officer, if any, and analysis of such report by the Agency.
- 5) Report concerning consultation with the County of San Bernardino and other taxing agencies.

Mayor Hansberger stated that Notice of the Public Hearing was published pursuant to law, and outlined the procedure for the public hearing, stating that persons making statements and testimony would do so through the Chair.

She then called upon Special Counsel Huebsch, who stated that the purpose of the hearing was to consider evidence and testimony for and against the adoption of the proposed Amendment. In order to validly adopt the Amendment, the City and Agency must make certain findings that are set forth in Section 33367 of the California Health and Safety Code, a copy of which was included in the materials previously distributed to the City Council and Agency Board Members. In order to adopt the Amendment, the following findings, which were the major evidentiary findings, were required to be made:

1. The Amendment to the Redevelopment Plan conforms to the General Plan.
2. The condemnation of real properties provided for in the Amendment is necessary to the execution of the Redevelopment Plan and adequate provisions have been made for payment for property to be acquired as provided by law.
3. The Agency has a feasible method and plan for relocation of families and persons who might be displaced temporarily or permanently from housing facilities in the Project Area and also for relocation of businesses.
4. The Amendment will promote the public health, peace, safety, and welfare of the City and effectuate the policies and purposes of Redevelopment Law.

Jack Segal of Community Advisors, Inc., then addressed the City Council and Agency Board, stating that Staff prepared and each Council and Agency Board Member received a binder containing reports, resolutions, statements, memoranda and other information pertaining to the proposed Amendment. Many of the items were included in the binder for convenience, as they had been considered and adopted by the Agency or City Council during earlier proceedings relating to Amendment No. 1. He then introduced the binder and all materials within the binder into the record.

He elaborated that on October 20, 2004, the Planning Commission by way of Resolution No. 15, found that the proposed Amendment conformed to the General Plan and recommended approval of the Amendment. On December 9, 2004, the Project Area Committee (PAC) recommended that the Amendment be adopted. He then entered the Affidavit of Notice of the Hearing, which was on file, into the record.

He then referred to and summarized pertinent parts of the Report of the Agency to the City Council, which was the basic supporting documentation for the purpose of Amendment No. 1 to the Redevelopment Plan and the Ordinance that would adopt the Amendment. He noted that the Report previously submitted to the City Council had been available for public inspection.

Mr. Segal went on to say that:

1. The original Redevelopment Project was adopted in 1980 with Project No. 2 adopted in 1987.
2. The Projects, as well as a minor amendment in 1994, were merged as one overall project in 2000.
3. During the process, the total area of more than 2000 acres qualified for redevelopment in that conditions of physical deterioration in this urbanized area and economic needs were identified.
4. Elements of blight in some areas of the Project continue to exist.
5. Private enterprise acting alone had not been able to improve a variety of negative elements in the Project Area.
6. Adequate infrastructure and affordable housing in neighborhoods, in addition to recreational areas, placed a heavy financial burden on the City.
7. Supplementary methods of financing the Project by the Agency were available to implement the Merged Project.
8. The Agency may assist by providing tax increment, interest income, bonds, donations, loans and any other legal means which do not conflict with the goals and objectives of the Merged Plan.
9. At least 20 percent of the Agency's tax increment must be used to increase, improve, and preserve the City's supply of low and moderate income housing.
10. Sections of the 1980, 1987, 1994 and 2000 Reports to the City Council set forth the Neighborhood Impact Report.
11. The proposed Amendment No. 1 did not affect the information set forth in those reports.
12. The Redevelopment and Housing Implementation Plan adopted by the Agency on December 14, 2004 in accordance with AB 1290 described the specific goals and objectives of the Agency, including programs of action and expenses.

13. The Implementation Plan covered a five-year period and focused on the elimination of the remaining blighting conditions in the Project Area.
14. Affordable Housing Programs were stated in the Implementation Plan, including categories and quantity of need.
15. In its effort to improve affordable housing opportunities for qualified households and to reduce disruption and relocation, the Agency adopted Relocation Rules and Regulations in accordance with State Guidelines, that provide payment and other assistance to households impacted by Agency Programs as well as guide real property acquisition.
16. Since the proposed Amendment No. 1 would result in expansion of existing Agency authority, taxing entities, including the County, were consulted by providing notices and copies of the proposed Amendment in order to obtain review and comments. None were received.
17. The proposed Amendment No. 1 would not change Project boundaries, nor land use, densities, or zoning.
18. The proposed Amendment would provide the Agency with an extension of eminent domain for an additional four years, until January 2017, and include residential properties.
19. The use of such authority, if used at all, would be a last resort in revitalizing areas of the Project, including required affordable housing.
20. Projects No. 1 and 2 were subject to Program Environmental Impact Reports, as was the 1994 Amendment to Project Area 1.
21. The Merged Project received a Negative Declaration.
22. Amendment No. 1 was reviewed for CEQA compliance and an exemption was determined to comply with CEQA Guidelines Section 15320, as a Class 20 Exemption.
23. Staff, Special Counsel, and Advisor held a community meeting on September 16, 2004, and notices were mailed to property owners, residents, and businesses to inform them of the Amendment, the meeting dates, and the formation of a Project Area Committee.
24. A Project Area Committee was formed and the City Council approved its membership.

Mr. Segal explained that the Agency had eminent domain powers since 1980, approximately 25 years; for properties that were not involved with residential use. The proposed Amendment provided that residential properties would be subject to eminent domain. The use of eminent domain by the Agency, over the last 25 years, had been rare. The Agency was mandated by State Law to provide affordable housing, and in doing so, is required to provide by categories and numbers, affordable housing units within a specified period of time. In some cases, it is difficult to assemble parcels, adequate in size, zoned properly, and consistent with the General Plan, in order to provide the affordable housing. The Agency had acquired many parcels without eminent domain; however, as additional properties are purchased, in some cases the price may be exorbitant, surpassing appraisal value, which may stifle an Agency Project. The Projects have been subject to the California Environmental Quality Act (CEQA).

He then explained that should the Agency need a property for a project, the Agency would notify the owner of the Agency's interest; an appraisal would be ordered from an independent appraiser, who would walk the property with the owner; an offer would be made to the owner, based upon the appraisal, who would then have an opportunity to accept, counteroffer, or possibly obtain their own appraisal; negotiations would then occur; if a purchase amount was agreed upon, documents would be drafted for conclusion of sale; if an agreement could not be reached, as a last resort, the Agency may take action to commence eminent domain proceedings, for which a court would determine the value of the property. The Agency would also be required to assist in relocation.

Mayor Hansberger declared the binder as part of the record.

Special Counsel Huebsch clarified that should eminent domain be determined to be necessary, which would occur under a Resolution of Necessity, a two-thirds vote was required, which equated to four affirmative votes of a five-member body. If an eminent domain proceeding was begun, a property owner could challenge the right to take as well as valuation.

The City Clerk stated that four letters received relating to the Amendment would be placed into the record and addressed by Special Counsel.

Mayor Hansberger then asked for public testimony. Those offering comments were: Donna Stocker, 26234 Mission Road; James Stocker, 26234 Mission Road; Tricia Kaiser-Miller, 25758 Lomas Verdes; Rebecca Ludwig, 11171 Oakwood Drive; Lisa Pierce representing the San Timoteo Greenway Conservancy; Marji Barakian, 11464 Via Lido; Alfred Haindl, 25107 Court Street; O. Okwandu, 25104-06 Palm Drive; Susan Haindl, 25107 Court Street; Cole Smith, Bryn Mawr; Milton Beltran, 25619 Miramonte; Aaron Jenks, 24909 University Avenue; Dr. Baldwin; Eunice Hunagard, 10636 Amapolas; John Christianson, 11272 San Juan; Sylvia Sanchez, 25613 Allen Way; Debbie Ingalls, 25448 Lane Street; Marsha Nagel, 11442 Orange Grove; Adrienne Gallant, 26284 Cresthaven Court; Shelly Burke representing The Palms, 25585 Van Leuven Street; Earnest Daniel, 10695 Seamount Drive; April Haindl, 25107 Court Street; Tom Gibson, 11388 Campus Street; Michael Eby, 11384 Campus Street; Kim Boadway, 11671 Ohio Street; Dora Reyes, 25445 Van Leuven Street; Fred Ramos, 26445 First Street, Bryn Mawr; Kimberly Addington, 36 Nies Street; Steve Jackson, 35 Dart Street; Barry Wood, 10872 Pepper Way; Jim Rabenstein, 25888 Miramonte; Shelly Perkinson, 25842 Miramonte; Yvonne Ely, 11879 Westminster Court; Susan Montenero, 25431 Park Avenue; Lance Harpool, 10617 Mt. View Avenue; Christy Roland, 10684 Seamount Drive; Wayne Davis, 10810 Loro Verde; Peter (no address given);

Pat Raymore, Rincon Street; Chris Macatubal, 25414 Durango Loop; Lilly Beltran, 25869 Miramonte; Art Gamboa, Havstad Drive; Cindy Prisler, 25446 Lane Street; Leland Lubinsky, 24818 Redlands Boulevard.

A summary of comments is as follows:

1. Eminent domain is threatening, even though it is legal.
2. Residents are proud of their neighborhoods and feel safe; however safety is a concern in some areas.
3. The Flood Control Project was not to be growth inducing.
4. AB 2838 may affect Redevelopment efforts, particularly affordable housing.
5. Families and extended families live in close proximity to one another, which may be affected by eminent domain.
6. Multiple generations have lived in the same house or same area.
7. Materials should have been provided in other languages.
8. There is no greenbelt or bicycle path along San Timoteo Creek.
9. Eminent domain was used by the City of San Bernardino for areas north of the freeway that now houses large commercial and restaurant businesses.
10. Housing costs are too high, thus preventing low-income families from purchasing a home in Loma Linda.
11. The City should provide programs to assist owners in improving their properties.
12. Recent developments have not provided low-income housing.
13. Home owners should not be asked to do something contrary to the best interest of the people who have built the community.
14. Taking property from an unwilling owner is theft.
15. The balance of power is lost when the City Council and Redevelopment Agency are made up of the same people.
16. Since the City has the authority for eminent domain, eminent domain should not be abdicated to the Redevelopment Agency, which has no direct influence by the people.
17. Bryn Mawr residents don't want to be part of Loma Linda.
18. Building low-income housing among higher priced homes is acceptable and successful.
19. Developers should be required to build low-income housing instead of buying out.
20. Twelve years is too long a period for the Amendment.
21. The Amendment appears to be a broad-brush approach.
22. Properties were being improved.
23. The City would benefit monetarily because of eminent domain and new construction.
24. Eminent domain has been associated with airports, infrastructure, and commercial areas.
25. The Council is to be thanked for past help received.

Council/Board Members commented that the Redevelopment Project Area encompassed a large area; the Agency was required to notify all residents and businesses in the Project Area of any proposed changes governing the Redevelopment Area; San Bernardino Associated Governments (SANBAG) has been studying plans for an improved interchange at Anderson Street/Tippecanoe and the I-10 Freeway; an Amendment to the Redevelopment Plan was a long, legal process as would be the process if it were ever to be used; tax increment was reinvested in the area, including affordable housing; redevelopment funds were separate from City funds and were State regulated as to use.

No other public testimony was offered and the public hearing was closed.

The City Council and Agency Board recessed at 9:35 p.m. and reconvened at 9:46 p.m. with all members present.

Special Counsel Huebsch stated that pursuant to Redevelopment Law, the Agency must consider responses to written comments. Those comments would be prepared and submitted at a later date.

Motion by Ziprick, seconded by Brauer and unanimously carried to continue the item to February 8 for the purpose of receiving response to written objections.

The Agency Board recessed at 9:47 p.m.

CC-2005-003 – Public Hearing – Appeal of Planning Commission decision relating to Zone Change 03-03, Tentative Map 16811, and PPD 04-07 at the southwest corner of New Jersey Street at Orange Avenue

The public hearing was opened and Director of Community Development Woldruff stated that the applicant requested that the public hearing be continued. She recommended the date of April 12.

No public testimony was offered.

Motion by Petersen, seconded by Brauer and unanimously carried to continue the public hearing to April 12.

CC-2005-004 – Workshop/Public Hearing with the Planning Commission – General Plan Update Project – Hillside Designation [Draft General Plan (October 2004) Land Use Element, Section 2.2.3]

All members of the Planning Commission joined the City Council at the dais. Mayor Hansberger opened the public hearing. Director of Community Development Woldruff stated that the General Plan update had been in progress in excess of four years, during which time, the Hillside Designation had undergone several changes; Staff and the Planning Commission determined that a joint workshop of the City Council and Planning Commission was advisable. She then introduced Lloyd Zola of LSA, Inc., consultant to the City for the General Plan Update.

Mr. Zola reviewed hillside terms and requested discussion relating to options for development and conservation within the hillside areas that would lead to clear, General Plan Policy direction for the hillside area. He explained that the General Plan was to:

1. Define permitted uses in the hillside area.
2. Set maximum development intensity as required by State Law for the General Plan.
3. Establish general rules regarding conservation and development.
4. Retain reasonable economic use of all properties so that there was reasonable use in the market place for that property, but did not refer to highest and best use, which is the highest value use.

He explained that the General Plan could not prohibit use of the hillside area and should not design or critique individual development projects. The General Plan was to establish rules, but not design projects.

Consideration should be given to: the existing Hillside Initiative and General Plan; the concept of slope steepness and differences in landforms within the hillside area, as well as access, view sheds, habitats, recreation, and environmental hazards.

He explained that the existing General Plan permitted residential development in the hillsides at 1 unit per 5 acres or 1 unit per 20 acres in the southerly area and did not cover the entire sphere area. The County General Plan permitted residential development at 1 unit per 5 acres. The Hillside Initiative called for similar density in that development was restricted to low density residential of 1 unit per 10 acres with clustering of 1 unit per 5-acres with no through roadways except for Oakwood Drive.

Mr. Zola reviewed slope steepness and noted that slopes less than 15 percent were generally not considered to be "hillside," with uses and density determined by zoning. Most cities, as the percentage of slope increased, restricted use by zoning; development and density were limited as the slope became more severe, with development prohibited on the very steep slopes of 35 percent or greater.

He elaborated that within the Loma Linda hillsides, there were flat benches in the northeast that were currently agriculture, a broad flat valley in the southeast, small, flat to rolling valley areas as well as steep hillsides were scattered throughout the hillsides.

He noted that there were a limited number of roadways for access, Oakwood on the west had limited site distance at the intersection and was also limited as to widening. Reche Canyon Road was a potential connection.

In reviewing view-shed considerations, he noted that large lots and low density tended to promote larger houses, reduce landform modification, but increased length of roadways. The tendency for large-house developments was to spread out the development, fragment habitat, and actually take up larger areas with roadways. Clustering development into smaller areas would leave large blocks of open space, reduce roadways, but increase landform modification within the developed area. Placement and design of individual dwellings made a significant difference on view shed. Ridgeline policies should distinguish primary and secondary ridgelines.

When considering habitats, the hillside area was at the northern end of a large, unbroken block of open space habitat with the quality of the habitat considered to be moderate overall. A trails plan for recreation was being prepared for incorporation into the General Plan. The hillside area also contained environmental hazards such as earthquake faults, slope steepness, instability, and erosion.

Mr. Zola then reviewed basic options to consider when providing direction in dealing with land use and the possible restriction of land uses in the hillside area to residential or to permit limited commercial use as part of an integrated planned community. Development density options included: 1) restrict all areas to low rural densities; 2) restrict hillside and valley areas to low, rural densities with density of bench areas similar to existing neighborhoods to the north; 3) permit planned communities within hillside and valley areas.

Mr. Zola responded to questions, stating that if the land was so steep as to preclude development on the steep slopes, then an exception could be granted so as to allow a minimal economic use of the property to be determined on a case-by-case basis.

Jonathan Zirkle, representing the Loma Linda Conservation Society, stated that a petition was drafted and circulated approximately one week ago, resulting in the accumulation of 939 signatures. He read the text of the petition, requesting that the City adopt a General Plan and implement laws that would

- 1) Preserve as much as possible of the hills in their natural state;

- 2) Limit the homes to be built to less than 500;
- 3) Prohibit roads to the hills to San Timoteo or Reche Canyon;
- 4) Prohibit anything causing worse traffic, higher water bills or higher cost for City services.

The petition included language that if the City Council did not protect their concerns, the Loma Linda Conservation Society was prepared to support a referendum and voter initiative because the hills were vital to the unique character of Loma Linda.

He then submitted the signed petitions to the City Clerk. Mr. Zirkle responded to comments, stating that worse traffic could be prohibited by building roads first; additional cost should not be borne by existing citizens so that developers could develop their land; the number of 500 for the hills came about because the current General Plan would allow approximately that number; development of housing on City-owned land was not supported.

Mr. Zirkle explained that the recommended limit of 500 homes included the area of the General Plan indicated as the Hillside Designation, including the City and Sphere of Influence area of the General Plan.

He presented a map from the General Plan showing the urban wild land separation and stated that about half of the land within the South Hills was within the City Limits, the other half within the City's Sphere of Influence; with a portion of land in the hillside area owned by the City. Other maps showed the Initiative Area, earthquake zones, flat land areas, the Southern California Edison power lines, area geology, rupture zones near the San Jacinto Fault, liquefaction zones near Prado Lane, flooding areas.

Mr. Zirkle went on to say that the South Hills served as habitat; the hills contained coastal sage grasslands as habitat for the California Gnatcatcher, coyotes, rabbits, deer, bobcats, snakes, pigs, fox, and owls; wildflowers, cactus and other succulent plants.

He then showed a map of the Redlands General Plan as it abutted Loma Linda's Sphere of Influence, and outlined wildlife corridors. He noted that the South Hills were used for recreational purposes, such as walkers, joggers, hikers, mountain bikers, cyclists, horseback riders. Persons come from other areas to use the hills for recreation. He showed a map of the trails as constructed by the Trails Committee, outlining the existing trails, which trails should be maintained (asphalt), as well as a recommendation relating to the most important open space areas. An asphalt trail system could connect to the Redlands system and possibly Beaumont Avenue and could serve road bikers, in-line skaters, the handicapped.

He reviewed traffic, noting that in his opinion, the General Plan Map did not take the South Hills into consideration because the only access road shown was Oakwood Drive. He suggested that Barton Road and Mt. View Avenue be increased to six lanes to accommodate current traffic.

Councilman Christman suggested that due to the lateness of the meeting and the importance of the South Hills, that the remainder of the presentation be continued to another date. Discussion ensued relating to the schedule of the presenters as well as date and time. Presenters agreed to reschedule. Planning Commissioners concurred.

Motion by Petersen, seconded by Christman and unanimously carried to continue the workshop/public hearing to 6:00 p.m., Tuesday, February 1.

CC-2005-005 – Consent Calendar

Motion by Petersen, seconded by Christman and unanimously carried to approve the following items:

The Demands Register dated December 27, 2004 with commercial demands totaling \$28,677.82.

The Demands Register dated December 28, 2004 with commercial demands totaling \$2,659,839.18 and payroll demands totaling \$189,258.05.

The Demands Register dated December 31, 2004 with commercial demands totaling \$860,643.30 and payroll demands totaling \$184,855.96.

The Demands Register dated January 11, 2005 with commercial demands totaling \$620,193.07.

The Minutes of November 9 and 16; December 7 and 14, 2004 as presented.

The contract for professional landscape architectural services for the design of the landscape median on Redlands Boulevard to Purkis Rose-RSI Landscape Architect in an amount not to exceed \$51,600.

Council Bill #R-2005-02.

Resolution No. 2367

A Resolution of the City Council of the City of Loma Linda, removing Prospect Avenue west of Anderson Street from the Permit Parking Zone, naming streets to be included within Residential Permit Parking Zones, establishing a fee and repealing Resolution No. 2329

Council Bill #R-2005-03.

Resolution No. 2368

A Resolution of the City Council of the City of Loma Linda initiating proceedings under Division 7 of the California Streets and Highways Code for the formation of an underground utility district for the conversion of existing electric and communications facilities to underground locations and directing that certain acts be taken in furtherance of the district's formation declaring its intention to create Underground Utility District No. 2004-01, Redlands Boulevard, ordering preparation of a report and calling for a public hearing

Council Bill #R-2005-04.

Resolution No. 2369

A Resolution of the City Council of the City of Loma Linda, approving the Subdivision Agreement for Final Tract Map 15422 (Northeast corner of Whittier Avenue and First Street)

The Chamber of Commerce Quarterly Report and request for disbursement of funds pursuant to Agreement with the City.

Council Bill #R-2005-06.

Resolution No. 2370

A Resolution of the City Council of the City of Loma Linda, County of San Bernardino, initiating proceedings for the annexation of territory to the Loma Linda Landscape Maintenance District No. 1, as Annexation No. 65, Parcel Map No. 16120, determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972 and the Right to Vote on Taxes Act, preliminarily approving the Engineer's Report, and declaring the City's intention to order the annexation, and offering a time and place for hearing objections thereto

An Addendum to the Memorandum of Understanding between California State University, San Bernardino Foundation and the City of Loma Linda (ICTN Agreement).

Old Business

CC-2005-006 – Council Bill #O-2004-7 (Second Reading/Roll Call) Establishing speed limits on certain streets and amending Municipal Code Section 10.04.010

Motion by Christman, seconded by Ziprick and unanimously carried to waive reading of Council Bill #O-2004-7 in its entirety, direct the Clerk to read by title only and adopt on roll call vote.

The Clerk read the title and called the roll with the following results:

Ayes:	Hansberger, Petersen, Christman, Brauer, Ziprick
Noes:	None
Abstain:	None
Absent:	None.

Ordinance No. 631

An Ordinance of the City Council of the City of Loma Linda establishing speed limits upon certain roads, streets and highways within the City of Loma Linda, and amending Section 10.04.010 of the Loma Linda Municipal Code

~~CC-2205-007 – Council Bill #O-2004-10 – (Second Reading/Roll Call) Amending Section EV3.0715(d) of the East Valley Corridor Specific Plan to prohibit used car sales not in connection with new car sales except within the Loma Linda Auto Center~~

Motion by Petersen, seconded by Ziprick and unanimously carried to waive reading of Council Bill #O-2004-10 in its entirety, direct the Clerk to read by title only and adopt on roll call vote.

The Clerk read the title and called the roll with the following results:

Ayes:	Hansberger, Petersen, Christman, Brauer, Ziprick
Noes:	None
Abstain:	None
Absent:	None

Ordinance No. 632

An Ordinance of the City Council of the City of Loma Linda amending the East Valley Corridor Specific Plan, Section EV 3.0715(d) to prohibit used car sales not in connection with new car sales except within the Loma Linda Auto Center (DCA 04-01)

Reports of Councilmen

Mayor pro tempore Petersen commented that during the recent storms, the channelized San Timoteo Creek functioned very well.

There were no reports from Commissions, Committees or Officers.

The meeting adjourned at 11:01 p.m.

Approved at the meeting of

City Clerk

City of Loma Linda

City Council Minutes

Regular Meeting of January 25, 2005

A regular meeting of the City Council was called to order by Mayor Hansberger at 5:40 p.m., Tuesday, January 25, 2005 in the Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Karen Gaio Hansberger Mayor pro tempore Petersen Robert Christman Stan Brauer Robert Ziprick
Councilman Absent:	None
Others Present:	City Manager Dennis Halloway City Attorney Richard E. Holdaway

CC-2005-008 – Closed Session – Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956 9(b)(1) – A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

The City Council immediately recessed to consider the closed session item as listed and reconvened at 7:00 p.m. with all members present. City Attorney Holdaway stated that the City Council met with Legal Council and there was no action to report.

Mayor pro tempore Brauer led the Invocation and Pledge of Allegiance. No items were added or deleted.

Oral Reports/Public Participation

Jim Shipp, Chairman of the Historical Commission, announced that the Second Annual Loma Linda History Fair was scheduled for Sunday, February 6 from 3:00 to 5:00 p.m. in the Senior Center. He added that in addition to historical photos and books, particular attention would be given to the 100th anniversary of Loma Linda University.

CC-2005-009 – Conflict of Interest

Councilmen Ziprick, Brauer and Petersen declared possible conflicts of interest relating to Agenda Item No. 2, the proposed California Heart & Surgical Hospital to be located at the northeast corner of Barton Road and New Jersey Street.

City Attorney Holdaway stated that he discussed the matter and the requirements of the Political Reform Act individually with Council Members. The Political Reform Act regulated not only direct conflicts of interest but also indirect conflicts of interest that may exist where there is potentially a material financial effect on a source of income of the City Council Member, even if the Council Member's own finances are not directly involved, or those of his family, or any investment or real estate the Council Member owns.

He went on to say that Mayor pro tempore Petersen indicated that since he works for Loma Linda University and has done consulting for the Medical Center, if there were a material financial effect of the subject precise plan of design, that it could be a potential conflict.

Councilman Brauer has indicated that since his medical group has a direct, exclusive contract with the Medical Center, a potential conflict of interest could exist.

Councilman Ziprick indicated that he does legal work for the Medical Center and so they would be a source of income to him in this matter.

Under the Political Reform Act, where the City Council is the only body that can legally take an action with regard to the subject item, the City Council is required to act in spite of any conflicts of interest. In this case, three members declared conflicts of interest. The Political Reform Act requires that one of the three members be selected at random to continue to participate. That member would then continue to participate at any future hearings on this matter or any related items. That member, even in the case of what may appear to be a conflict, would be subject to the same rules of avoiding any bias or prejudice. The decision of the City Council would be based upon the evidence presented at the hearing and the City Council would be required to give a fair hearing to both sides of the issue in order to determine an outcome that would be in the best interest of the community.

Councilman Ziprick stated that under the rules of the State Bar, he had other concerns and stated that for that reason, he would not participate in the drawing of the straws. The City Attorney stated that if separate legal ethics would not permit participation, then Councilman Ziprick would be excused from drawing straws.

Mayor Hansberger stated that although she practiced at the Medical Center and Redlands Community Hospital and had privileges, she was not on faculty and did not receive any direct payment from the Medical Center for any appointment or position.

Mayor pro tempore Petersen commented that there are special rules governing threshold effects for non-profit institutions which were explained to him, and there appears that one of the thresholds could be crossed due to actions that could be taken on the subject issue, and that is why he declared a possible conflict of interest.

City Attorney Holdaway clarified that if the issue is whether there would be a material financial effect on the Medical Center, which is a source of income, then because it was a non-profit entity under the regulations adopted under the Political Reform Act, it would have to be reasonably foreseeable that the financial effect on that source of income would amount to \$1 million on gross revenues, \$250,000 in expenses, or \$1 million in assets. Certain matters that may come before the City Council involving the Medical Center would not reach that level; therefore, members might be permitted to participate.

He invited Mayor pro tempore Petersen and Councilman Brauer to choose straws, resulting in Mayor pro tempore Petersen sitting to constitute a quorum and participate.

Scheduled and Related Items

CC-2005-010 – Presentation of Proclamation – National Wear Red Day for Women Day, February 4, 2005

Mayor Hansberger commented on cardiovascular disease in women, stating that heart disease is the No. 1 cause of death in women; that 63 percent of women experiencing their first cardiac event die. She urged women to be health conscious and to have regular medical evaluations with appropriate tests. She then expressed appreciation to the American Heart Association and its commitment to women's heart health and presented the proclamation to Mary Grinnan, representing the American Heart Association.

CC-2005-011 – Public Hearing – Precise Plan of Design (PPD) 04-13 (California Heart & Surgical Hospital) – A request to construct a 70,000 square-foot surgical hospital and 25,000 square-foot medical building with the associated amenities including the Zanja Trail, landscaping and site design. The site is located at the northeast corner of Barton Road and New Jersey Street in the Professional Office General Plan Land Use Designation and the Administrative Professional Office (AP) Zone (TO BE CONTINUED AT REQUEST OF APPLICANT)

Councilmen Brauer and Ziprick left the Council table due to possible conflicts of interest as previously stated. Mayor Hansberger opened the public hearing, stating that the applicant requested a continuance and asked that those unable to attend a future meeting provide testimony at this time.

Michael Jackson of LLUMC stated that Loma Linda University Medical Center and other health care providers in the community, as well as community agencies, had a grave concern regarding the development of a limited service provider in the community, such as the California Heart and Surgical Hospital, in that it may have a very detrimental impact on patient care access. He asked that he be formally advised of the date of any future public hearing regarding the subject matter.

No other public testimony was offered and the public hearing was closed. Director of Community Development Woldruff stated that the Precise Plan of Design would be re-advertised, and confirmed that the applicant requested a 90-day continuance.

City Attorney Holdaway recommended that the item be continued to a date certain. Discussion ensued relating to continuance date.

Motion by Petersen, seconded by Christman and carried to continue the item to May 10. Brauer and Christman abstained.

Councilmen Brauer and Ziprick returned.

CC-2005-012 – Public Hearing – Council Bill #R-2005-7 – Determining costs related to Fall 2004 Weed Abatement Program

Mayor Hansberger opened the public hearing and Division Chief/Fire Marshal Crawford presented the report into evidence, stating that the report contained the actions taken to abate weeds during the Fall 2004 Program. Fire Prevention Inspector Patterson distributed an amended exhibit showing parcels on which payment had been received. Chief Crawford submitted a request relating to APN 0281-091-23, stating that the property changed ownership in June 2004; however because records did not reflect a change in ownership prior to notices being mailed, the new owner did not receive notice. He then recommended that the charge of \$60 be forgiven and that the Administrative Charge be waived. He presented another request relating to APN 0293-053-02, noting that although ownership changed, notices were sent and work completed by the City's contractor well in advance of the change of ownership. He recommended that the charge remain.

No other public testimony was offered and the public hearing was closed.

Motion by Petersen, seconded by Christman and unanimously carried to adopt Council Bill #R-2005-7 with amended Exhibit B to reflect waiver of costs for APN 0281-091-23 only.

Resolution No. 2371

A Resolution of the City Council of the City of Loma Linda adopting a report and statement of expenses for the Fall 2004 Weed Abatement Program and imposing a lien upon property for payment therefore

CC-2005-013 – Public Hearing – Council Bill #R-2005-8 – Ordering Annexation 65 to Landscape Maintenance District NO. 1, Parcel Map 16120 east of the northeast corner of Barton Road and California Street and extending to Orange Avenue

The public hearing was opened and Director of Public Works Thaipr present the report into evidence. The City Clerk opened the envelope containing the Petition to initiate Landscape Maintenance District proceedings, indicating that the Petition was signed. She then opened the envelope containing the ballot, which was signed requesting that the subject area be annexed to the Landscape Maintenance District and that the proposed assessments be approved.

No other public testimony was offered and the public hearing was closed.

Motion by Christman, seconded by Ziprick and unanimously carried to adopt Council Bill #R-2005-8.

Resolution No. 2372

A Resolution of the City Council of the City of Loma Linda ordering the levy and collection of assessments for Fiscal Year 2005/2006 within Landscape Maintenance District No. 1, Annexation No. 65, Parcel Map No. 16120, and confirming the Engineer's Report pursuant to the Landscape and Lighting Act of 1972

CC-2005-014 – Public Hearing – Time extension for Parcel Map 15944 to merge seven lots into two parcels and Conditional Use Permit 02-04 to construct a 15,563 square-foot drugstore retail building with a pharmacy window at the northwest corner of Redlands Boulevard and Mountain View Avenue Lake Development Group

The public hearing was opened and Assistant Planner Colunga presented the report into evidence, stating that the applicant requested the time extension, noting that the original tenant, Sav-On was no longer a participant and in light of that, CVS Drugstore was being considered. The time extension would pertain to the drugstore building and ancillary building as shown on the site plan. He then recommended a one-year time extension.

Larry Lake of Lake Development, applicant, indicated he was available to respond to questions. No other public testimony was offered and the public hearing was closed.

Motion by Christman, seconded by Brauer and unanimously carried to grant a one-year time extension for Parcel Map 15944 and Conditional Use Permit 02-04.

CC-2005-015 – Consent Calendar

Staff responded to questions concerning the Treasurer's Report and the change order relating to the Mt. View Avenue Bridge Widening Project.

Motion by Ziprick, seconded by Christman and unanimously carried to approve the following items:

The Demands Register dated January 25, 2005 with commercial demands totaling \$2,104,853.74 and payroll demands totaling \$193,527.21.

The December 2004 Treasurer's Report for filing.

The December 2004 Department of Public Safety Report for filing.

Installation of playground equipment at Hulda Crooks Park as complete and recordation of a Notice of Completion – Park Specialties, contractor.

Council Bill #R-2005-09.

Resolution No. 2373

A Resolution of the City Council of the City of Loma Linda, establishing a Disadvantaged Business Enterprise (DBE) Program and DBE Goals for federal financial assistance projects

Award of contract to purchase a 4,000 square foot building to Mt. View Builders Inc. for \$40,609 and a contract to GTS Associates, Inc. in an amount not to exceed \$12,884 for the preparation of a site plan and foundation plan.

Request from Arcadia Publishing to prepare a photo history of Loma Linda as part of the Images of America Series.

Contract Change Order with Lem Nascimento Engineers for the Mt. View Avenue Bridge Widening Project in the amount of \$19,100.

Reports of Councilmen

Councilman Brauer commented that LLUMC has been recognized in the last year as one of the top 100 hospitals for providing cardiovascular care, which included cardiac surgery and cardiac anesthesia.

Mayor Hansberger stated that she and her husband as well as Councilman Brauer and his daughter attended inaugural events in Washington D.C.

Reports of Officers

Director of Community Development Woldruff reminded the City Council and the community that the General Plan Update relating to the South Hills land use was scheduled for 6:00 p.m. Tuesday, February 1.

The meeting adjourned at 7:44 p.m. to 6:00 p.m., Tuesday, February 1 for the purpose of conducting a workshop/public hearing with the Planning Commission relating to the General Plan Update Project – Hillside Designation [Draft General Plan (October 2004) Land Use Element, Section 2.2.3]

Approved at the meeting of

City Clerk